

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SAN JUAN CONSTRUCTION, INC.,

Plaintiff,

v.

R. CUSTOM EXCAVATION, INC., and  
UPPER HUDSON NATIONAL INSURANCE  
GROUP

Defendants,

M&T SECURITIES, INC.,

Garnishee.

NO: 3:14-mc-05027-BHS

**JUDGMENT ON ANSWER AND  
ORDER TO PAY**

(JDAGD)

This matter came before the Court on Plaintiff San Juan Construction, Inc.'s Motion for Judgment on Answer and Order to Pay. Pursuant to RCW 6.27.250(1) and Federal Rule of Civil Procedure 69, the Court, having reviewed the Motion and pleadings and records on file herein,

IT IS HEREBY ORDERED that Plaintiff's Motion is granted. Garnishee M&T Securities, Inc., is ordered to pay \$201,142.92 to the Court registry. The Court finds this amount is in accordance with the funds of Defendant Upper Hudson National Insurance Group that M&T Securities, Inc., reported it had in its possession or control in the Answer to the Writ of Garnishment that M&T Securities, Inc., filed with the Court. (Dkt. 4)

The Court also finds that pursuant to RCW 6.27.250(1), San Juan Construction, Inc., has submitted the required certificate of service of the Writ of Garnishment and Application on Upper Hudson National Insurance Group. (Dkt. 5) Upper Hudson National Insurance Group failed to controvert M&T Securities, Inc.'s Answer to the Writ of Garnishment within its 20-day period to do so under RCW 6.27.210.

Garnishee M&T Securities, Inc., shall make payment of \$201,142.92 out to the United States District Court, Western District of Washington, referencing Case No. MC14-5027-BHS

1 and C14-5722-RBL, and delivered either personally or by First Class Mail to:

2 United States District Court  
3 Western District of Washington  
4 Attn: Financial Clerk – Lobby Level  
5 700 Stewart Street  
6 Seattle, Washington 98101

7 The clerk of the court shall note receipt of the funds and is ordered to forthwith disburse  
8 such payment to Mr. John C. Theiss, Plaintiff's counsel.

9 Payment of these funds shall be applied to the outstanding judgment Upper Hudson  
10 National Insurance Group owes San Juan Construction, Inc., in Case No. C14-5722-RBL. This  
11 judgment and order is in conformance with the requirements of RCW 6.27.265.

12 M&T Securities, Inc., as garnishee is advised that failure to pay its judgment amount  
13 may result in execution of the judgment, including garnishment.

14 Dated this 26<sup>th</sup> day of January, 2015.

15 

16 BENJAMIN H. SETTLE  
17 United States District Judge

18 Court Address:

19 United States District Court  
20 1717 Pacific Avenue, Room 3100  
21 Tacoma, Washington 98402-3200

22 Presented by:

23 \_\_\_\_\_  
24 Attorney for Plaintiff  
25 John C. Theiss, WSBA #24488  
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